

REMARKS

In this case, the Examiner issued an Office Action on September 23, 2004. The Examiner then issued a Supplemental Office Action dated November 10, 2004, indicating that the September Office Action was sent in error. A period of 3 months was set for responding to the November Office Action.

In the Office Action of November 10, 2004, the Examiner issued a final rejection all of the pending claims under 35 U.S.C. §103 as being unpatentable over the prior art, principally U.S. Patents 6,092,114 (Shaffer, et al.) and 6,549,918 (Probert, Jr. et al.). Specifically, Claims 1, 2, 4, 5, 8, 9 11-13 and 15-17 were rejected as being unpatentable over Shafer, et al. in view of Probert, Jr. et al. Also, Claims 3, 10 and 14 were rejected as being unpatentable over Shaffer, et al. in view of a document titled "Conversion Service" (CERN), and Claim 7 was rejected as being unpatentable over Probert, Jr. et al. in view of CERN.

The rejections of Claims 1-5 and 7-17 are respectfully traversed for the reasons set forth below.

In addition, Applicants herein ask that editorial changes be made to Claims 5, 7, 10 and 16 to improve the form of these claims.

For the reasons set forth below, Claims 1-5 and 7-19 patentably distinguish over the prior art and are allowable. The Examiner is, accordingly, respectfully requested to enter this Amendment, and to reconsider and to withdraw the rejections of Claims 1-5 and 7-19 under 35 U.S.C. §103, and to allow these claims.

The rejections of the claims over the prior art are respectfully traversed because there is a very important difference between this invention and the combination of Probert, Jr. et al. and Shaffer, et al. Specifically, with the present invention, when a data file is not compatible with a

computer's operating system, that data file is sent over the Internet to a universal conversion server. In contrast, with the procedure described in Shaffer, et al, when a data file is not compatible with a computer's operating system, a request is sent to a server for a compatible file. – the data file itself is not sent to the server.

This feature of the Shaffer, et al. system is discussed in Column 3, lines 4-11 and lines 21-37, and in Column 5, lines 22-43. There, Shaffer, et al. discusses several ways to ask that the file be converted, but, significantly, in none of these procedures is the data file itself actually sent to a converting server.

This difference between the present invention and the prior art is important for a number of reasons. First, with the present invention, it is not necessary that the conversion server have the data file before it is sent to the computer. Second, the present invention does not have to use a message server whose primary purpose is to send messages or programs to computers; and instead, the present invention can use, as the conversion server, a server specifically designed and operated for the primary purpose of converting data file or programs from one operating system to another.

Prober, Jr, et al. also does not disclose or suggest this feature of the present invention.

To elaborate, Probert, Jr. et al. describes an operating system layer between software components or application programs that expect information to be in one format and a persistent store manager of the operating system that maintains the information in its persistent state. This operating system is used to provide “on the fly” transformation between the file format expected by the application layer and the format used by the persistent store manager. The clear teaching of Probert, Jr. et al. is to provide this conversion software on the computer, and not on a remote server.

Thus, the prior art of record does not disclose or suggest the feature of, when the computer determines that a data file is not compatible with the computer's operating system, sending that data file over the Internet from the computer to a remote server to convert the file to a format that is compatible with the computer's operating system.

This feature of the invention is expressly described in independent Claims 1, 7, 8 and 12. In particular, Claims 1 and 12 describe the feature that, if the data file is not compatible with the computer, transmitting that data file over the Internet from the computer to a universal server, which then transforms the file into a format compatible with the computer. Claim 7, similarly describes the feature that, if the format of data that was entered into a computer is not compatible with that computer, sending that data over a network to a remote universal driver, when then reformats that data into a format compatible with the computer. Claim 8 is directed to a system for re-formatting computer files, and includes apparatus limitations analogous to the method features described above in connection with Claims 1 and 12.

The other references of record have been reviewed, and it is believed that these other references, whether considered individually or in combination, are no more pertinent than Shaffer, et al. and Probert, Jr. et al. For instance, CERN was cited for its disclosure of a user identifying user requirements, and reformatting a file in accordance with those requirements. Clearly, however, CERN does not disclose or suggest the way in which the data files are reformatted as described in Claims 1, 7, 8 and 12.

In view of the above-discussed differences between Claims 1, 7, 8 and 12 and the prior art, and because of the advantages associated with those differences, it cannot be said that any of these claims is obvious in view of that prior art. Accordingly, these claims patentably distinguish over the prior art and are allowable. Claims 2-5 and 17-19 are dependent from Claim


1, and are allowable therewith. Also, Claims 9-11 are dependent from Claim 8 and are allowable therewith; and Claims 13-15 are dependent from, and are allowable with, Claim 12.

It is noted that the changes requested herein to Claims 5, 7, 10 and 16 are of an editorial nature to improve the form of the claims. For instance, Claims 5 and 16 are being reworded to describe in a more standard method step language the feature that the universal server looks over the computer program to identify components thereof. The changes to Claims 7 are being made to indicate more expressly functions that are performed by the Universal driver, and Claim 10 is being amended to correct a spelling error. It is thus believed that entry of this Amendment is appropriate, and such entry is respectfully requested.

In view of the foregoing, the Examiner is asked to enter this Amendment, and to reconsider and to withdraw the rejections of Claims 1-5 and 7-19 under 35 U.S.C. §103, and to allow these claims.

It is believed that this application is in condition for allowance, a notice of which is requested. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,


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